


Procedure on the grounds of immunity and/or for failure to state a claim upon which relief can be granted. See Robertson v. Anderson Mill Elem. Sch., 989 F.3d 282, 290-91 (4th Cir. 2021) (district courts may dismiss a complaint *sua sponte* after the party whose complaint stands to be dismissed is afforded notice and the opportunity to amend or otherwise respond). The Court instructed the Plaintiffs to amend the Complaint within 30 days and cautioned them that the failure to timely comply would result in this case's dismissal without further notice. (Doc. No. 2).

The Plaintiffs failed to file an Amended Complaint and the time to do so has expired. Therefore, this action will be dismissed without prejudice. Fed. R. Civ. P. 41(b) ("If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it."); Link v. Wabash R.R. Co., 370 U.S. 626, 631-33 (1962) (although Rule 41(b) does not expressly provide for *sua sponte* dismissal, a district court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

IT IS, THEREFORE, ORDERED that:

1. This action is **DISMISSED** without prejudice for Plaintiffs' failure to comply with the Court's August 18, 2021 Order.
2. The Clerk of this Court is directed to close this case.

Signed: September 27, 2021


Frank D. Whitney
United States District Judge